

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

THOMAS EMIL SLIWINSKI,

Plaintiff,

vs.

JAMES SALMONSON, REGINALD
MICHAEL, PAUL REES, CINDY
HINER, CONNIE WINNER, and
UNKNOWN MEDICAL
PERSONNEL,

Defendants.

CV 18-00082-H-BMM-JTJ

ORDER

Plaintiff Thomas Emil Sliwinski (“Sliwinski”), a former prisoner proceeding without counsel, filed a memorandum of law in support of a Motion for Preliminary Injunction and Temporary Restraining Order (Doc. 7). The Court directed Defendants to file a response to the request for preliminary injunction and temporary restraining order and have now done so (Doc. 28).

United States Magistrate Judge John Johnston entered his Order and Findings and Recommendations in this matter on May 16th, 2019. (Doc. 53).

Based upon the evidence presented by Defendants, Judge Johnston determined that preliminary injunctive relief would not be appropriate at this time. *Id.* at 1. Judge Johnston recommended that Sliwinski's Motion for Temporary Restraining Order and Preliminary Injunction be denied. *Id.* Neither party filed objections to these Findings and Recommendations.

Judge Johnston denied Sliwinski's Motion Appoint an Expert Witness (Doc. 38) and Motion for Leave to File a Reply (Doc. 44). (Doc. 53 at 13). Judge Johnston denied as moot Sliwinski's Motion for an Order Requiring Defendants to Supply Tape Recorders for Oral Depositions (Doc. 47). *Id.* at 14. Defendants object to the Order of Judge Johnston, not his Findings and Recommendations. (Doc.56.) Judge Johnson Ordered the parties to work together pursuant to the Federal Rules of Civil Procedure to facilitate the taking of these depositions.

The Court reviews de novo Findings and Recommendations to which a party timely objects under 28 U.S.C. § 636(b)(1). The Court reviews for clear error an Order of the Magistrate Judge to which a party objects. *Grimes v. City & Cty. of S.F.*, 951 F.2d 236, 241 (9th Cir. 1991) (citations omitted). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations

omitted). The Court finds no error in Judge Johnston's Findings and Recommendations. The parties must work together to facilitate the depositions.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 52) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Sliwinski's motion to Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 7) is **DISMISSED**.

DATED this 19th day of June, 2019.



Brian Morris
United States District Court Judge